

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

LUIS ANTONIO AGUIRRE JR.
Appellant.

No. 2 CA-CR 2015-0404
Filed May 23, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20143156001

The Honorable Teresa Godoy, Judge Pro Tempore

AFFIRMED

COUNSEL

Steven R. Sonenberg, Pima County Public Defender
By Michael J. Miller, Assistant Public Defender, Tucson
Counsel for Appellant

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Miller concurred.

ECKERSTROM, Chief Judge:

¶1 Appellant Luis Aguirre was charged with molestation of a child under the age of fifteen, a dangerous crime against children. Following a jury trial, he was convicted of that offense. The trial court sentenced Aguirre to a minimum ten-year prison term with sixty-eight days of presentence incarceration credit.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the entire record and found no “arguably meritorious issue to raise on appeal” and asking that we search the record for “error.” In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel has also provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Aguirre has not filed a supplemental brief.

¶3 Viewing the evidence in the light most favorable to upholding the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that while Aguirre was living with his father and the father’s fiancée from November 2012 until January 2013, Aguirre touched the victim, the then four-year-old daughter of the fiancée, under her pajamas where she “pee[s].” We conclude substantial evidence supported Aguirre’s conviction, *see* A.R.S. § 13-1410, and the sentence is lawful and was imposed properly, *see* A.R.S. § 13-705(D), (O), (P)(1)(d).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have

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found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). Accordingly, we affirm Aguirre's conviction and sentence.